

Richard Sax (SBN 80632) *richard@rsaxlaw.com*
LAW OFFICES OF RICHARD SAX
448 Sebastopol Avenue
Santa Rosa, CA. 95401
Telephone: (707) 525-1824
Facsimile: (707) 525-8119

Attorney for Plaintiff,
CORREY ALCANTRA, de facto Tribal Chairman
of the Coyote Valley Band of Pomo Indians

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CORREY ALCANTRA, de facto Tribal
Chairman of the Coyote Valley Band of
Pomo Indians,

Plaintiff,

v.

COYOTE VALLEY BAND OF POMO
INDIANS; COYOTE VALLEY BAND
OF POMO INDIANS TRIBAL
COUNCIL; JOHN FELIZ JR.,
individually and as a former Chairman
of the Tribal Council; PATRICK
NAREDO, individually and as Vice-
Chairman of the Tribal Council; JOHN
FELIZ SR., individually and as a former
Historian of the Tribal Council;
CANDACE GONZALEZ (nee LOWE),
individually and as Secretary of the
Tribal Council; KELLI JAYNES,
individually and as Treasurer of the
Tribal Council; and MELINDA
HUNTER, individually and as Council
Member at Large

Defendants.

CASE NO.:

**COMPLAINT FOR DECLARATORY
RELIEF, IMPOSITION OF
CONSTRUCTIVE TRUST,
CONVERSION, BREACH OF
FIDUCIARY DUTY, VIOLATION
OF THE INDIAN CIVIL RIGHTS
ACT (25 U.S.C. §§ 1301-1304), and
CONSPIRACY**

DEMAND FOR JURY TRIAL

INTRODUCTION

1
2
3 1. This is an action for Declaratory Relief, Imposition of Constructive Trust,
4 Conversion, Breach of Fiduciary Duty, Violation of the Indian Civil Rights Act (25
5 U.S.C. §§ 1301-1304), and Conspiracy. This action is brought by Correy Alcantra, de
6 facto Chairperson of the Coyote Valley Indian Tribe, which is located in Redwood
7 Valley, California.

JURISDICTION

8
9 2. This Court has subject-matter jurisdiction over the matters in this Complaint
10 pursuant to 25 U.S.C. §1331, in that the District Courts shall have original jurisdiction
11 of all civil actions arising under the Constitution, laws, or treaties of the United States,
12 and the Indian Civil Rights Act (25 U.S.C. §§ 1301-1304).

INTRADICTRICT ASSIGNMENT (Local Rule 3-5(b))

13
14 3. Assignment to the Eureka Division is proper under Civil L.R. 3.2(c) because a
15 substantial part of the events or omissions which give use to the claims herein
16 occurred within the State of California, County of Mendocino. Pursuant to Civil L.R.
17 3.2(f), all civil actions which arise in the counties of Del Norte, Humboldt, Lake and
18 Mendocino, except for cases not assigned to the magistrate judges pursuant to the
19 Court's Assignment Plan, shall be assigned to the Eureka Division.

PARTIES

20
21 4. At all times relevant herein, plaintiff CORREY ALCANTRA ("Plaintiff") has
22 been, and is, a citizen of the United States, a resident of Sonoma County, California,
23 and a rightful member of the Coyote Valley Band of Pomo Indians. Plaintiff is de facto
24 Tribal Chairman of the Coyote Valley Band of Pomo Indians pursuant to an election at
25 the annual General Council meeting on December 11, 2010, and events thereafter,
26 including a decision of the United States Department of the Interior Bureau of Indian
27 Affairs ("BIA") dated June 24, 2011, which was affirmed after appeal by the BIA on
28 November 15, 2011.

1 5. Defendant COYOTE VALLEY BAND OF POMO INDIANS (the "Tribe") is,
2 and at all times herein mentioned was, an Indian tribe whose jurisdiction extends to
3 all lands within the boundaries of its 70-acre reservation, located in Redwood Valley,
4 California, as described in the deed recorded in Book 1230, Page 339, Official Records
5 of the County of Mendocino.

6 6. Defendant COYOTE VALLEY BAND OF POMO INDIANS TRIBAL COUNCIL
7 ("Tribal Council") is elected from the General Council of the Tribe every four years, as
8 prescribed in the governing document of the Tribe, "The Document Embodying the
9 Laws, Customs and Traditions of the Coyote Valley Band of Pomo Indians."
10 Organized in 1976, the seven-member Tribal Council is charged with the
11 responsibility of maintaining governmental relationships, managing Tribal affairs,
12 and promoting the economic well-being of the Tribe.

13 7. Defendant JOHN FELIZ JR., individually and as a former Chairman of the
14 Tribal Council (hereinafter referred to as "Feliz Jr.") is over the age of 18, and, by
15 information and belief, was the alleged Chairman of the Tribal Council until on or
16 about December 4, 2012, and at all times pertinent to the events that underlie this
17 Complaint.

18 8. Defendant PATRICK NAREDO, individually and as Vice-Chairman of the
19 Tribal Council (hereinafter referred to as "Naredo"), is over the age of 18, by
20 information and belief a resident of Mendocino County, California, and the alleged
21 Vice-Chairman of the Tribal Council at all times pertinent to the events that underlie
22 this Complaint.

23 9. Defendant JOHN FELIZ SR., individually and as a former Historian of the
24 Tribal Council at all times pertinent to the events that underlie this Complaint
25 (hereinafter referred to as "Feliz Sr."), is over the age of 18 and is an alleged Tribal
26 Council Member.

27 10. Defendant CANDACE GONZALEZ (by information and belief, nee LOWE),
28 individually and as Secretary of the Tribal Council (hereinafter referred to as

1 “Gonzalez nee Lowe”), is over the age of 18, by information and belief a resident of
2 Mendocino County, California, and the alleged Secretary of the Tribal Council at all
3 times pertinent to the events that underlie this Complaint.

4 11. Defendant KELLI JAYNES, individually and as Treasurer of the Tribal Council
5 (hereinafter referred to as “Jaynes”), is over the age of 18, by information and belief a
6 resident of Mendocino County, California, and the alleged Treasurer of the Tribal
7 Council at all times pertinent to the events that underlie this Complaint.

8 12. Defendant MELINDA HUNTER, individually and as Council Member-at-Large
9 (hereinafter referred to as “Hunter”), is over the age of 18, by information and belief a
10 resident of Mendocino County, California, and an alleged Council Member-at-Large
11 at all times pertinent to the events that underlie this Complaint.

12 14. Plaintiff is ignorant of the true names and capacities of defendants sued herein
13 as DOES 1-50, inclusive, and therefore sues these defendants by such fictitious names.
14 Plaintiff will amend this complaint to allege their true names and capacities when
15 ascertained. Plaintiff is informed and believes and thereon alleges that each of the
16 fictitiously named defendants is responsible in some manner for the occurrences
17 herein alleged. Plaintiff will amend this complaint to allege their true names and
18 capacities when ascertained.

19 15. Plaintiff is informed and believes and thereon alleges that at all times herein
20 mentioned, each of the defendants was the agent and employee of each of the
21 remaining defendants, and in doing the things hereinafter alleged, was acting in the
22 course and scope of such agency and employment. All Defendants have joint and
23 several liability.

24 **BACKGROUND**

25 16. In 1979, a Secretarial proclamation declared the Coyote Valley reservation to be
26 a federally recognized Indian reservation. The United States maintains government-
27 to-government relations with the Tribe through its Tribal Council and General
28 Council, pursuant to a February 20, 1976 final declaratory judgment and permanent

injunction issued by the United States District Court, Northern District of California, in actions Nos. 73-0334 and 74-0005.

17. The Tribe is governed by its Tribal Council and General Council pursuant to its governing document ratified by the General Council on October 4, 1980, "The Document Embodying the Laws, Customs and Traditions of the Coyote Valley Band of Pomo Indians" (hereinafter the "Governing Document").

18. The Governing Document vests governmental power in the General Council, which consists of all qualified voters of the Tribe, and which exercises all powers of self-government through the initiative, referendum, repeal, and recall procedures specified in Articles I, XII, and XIII of the Governing Document, and in accordance with Article IV—Governing Body Section 2 and 3--Powers. The majority of the Tribe's affairs are managed by the General Council and Tribal Council in accordance with Article IV—Governing Body, Section 3.

19. The General Council elects from its membership a seven-person Tribal Council, which exercises, concurrently with the General Council, all powers delegated to it by the General Council in Article XII, and otherwise vested in the Tribal Council by the Governing Document. Pursuant to Article VI, Tribal Council, 3-e, Terms of Office, the seven (7) members of the Tribal Council includes the President (Chief) of the General Council; Chairman; Vice Chairman; Secretary; Treasurer; Historian; and the Council Person.

20. The Governing Document, in Article X—VACANCIES, Section 1. Vacancy on Council, states:

"If any member of the tribal council or any elected officer of the Band during the term of this office, shall die, resign or be absent from regular Tribal or General Council meetings two (2) successive unexcused times, or three (3) unexcused times in any twelve (12) month period, the Tribal Council shall declare the position vacant. If a member of the Tribal Council or any elected officer of the Band, during the term of his office, is convicted of any felony or found guilty of any crime involving moral turpitude, or commits any act

1 which will reflect on the dignity and integrity of the tribal
2 government, the Tribal or General Council may declare the
3 position vacant by a majority vote. If less than twelve (12)
4 months of the term remains, the Tribal Council shall fill the
5 vacancy by appointment of a tribal member who qualifies
6 for candidacy to the vacant position. If more than twelve (12)
months remain in the unexpired term, a special election shall
be called to fill the vacant position."

7 21. On December 11, 2010, at the annual General Council meeting, Plaintiff brought
8 forth charges against defendant Feliz Jr. for illegal credit card use, and against Tribal
9 Secretary Gonzalez nee Lowe on grounds she was absent from regular General Council
10 meetings three (3) unexcused times in a twelve month period (March 2010, June 2010,
11 and September 2010). Pursuant to Article X of the Governing Document, Plaintiff made
12 a motion to declare their positions vacant.

13 22. Plaintiff had provided proper notice dated November 19, 2010, to the Tribal
14 membership of his intent to amend the General Council meeting agenda to include
15 charges against Feliz Jr. and Gonzalez nee Lowe, and had sent Feliz Jr. and Gonzalez
16 nee Lowe notice by certified mail of the charges against them and the meeting notice.

17 23. At the December 11, 2010, meeting, the General Council voted on Plaintiff's
18 motions to vacate the positions of Feliz Jr. and Gonzalez nee Lowe, and Plaintiff's
19 motions passed. The Chief indicated that the motions were out of order and non-
20 binding, and that Tribal Council members could only be removed by a vote of the
21 entire membership at an election called for that purpose.

22 24. The General Council issued a Notice of Special General Council Meeting to be
23 held on May 21, 2011, charging four (4) members of the then-Tribal Council, and also
24 the then-Chief of the General Council, of violations under Article X of the Governing
25 Document, by taking actions that reflect on the dignity and integrity of the tribal
26 government. Specifically, they were charged with refusing to comply with a legal and
27 binding motion to vacate the Chairman and Secretary Tribal Council positions as a
28 result of the motions which were passed at the December 11, 2010 annual General

1 Council meeting. The Tribal Council members and Chief were given proper notice and
2 the right to call witnesses on their behalf, to be represented by legal counsel, to cross
3 examine witnesses, present documentary evidence, and address the General Council.
4 However, the Tribal Council members and Chief chose to argue that they were not
5 required to answer such charges instead of attending the Special General Council
6 Meeting.

7 25. On April 22, 2011, the Tribal Council issued notices to Plaintiff and several
8 members of the Tribe, stating that they were suspended from receiving any benefits
9 from the Tribe due to their alleged “questionable eligibility” for membership. The
10 notices were sent only to those Tribal members that were of the Lemieux family
11 lineage. Vacated chairman and defendant Feliz Jr. signed the notices, which were
12 intended to repudiate the Tribal heritage of Plaintiff and his family and deny them the
13 significant financial benefits of Tribal membership, including valuable educational
14 benefits held in trust for children.

15 26. On May 21, 2011, forty-seven (47) voting members of the General Council were
16 present at the Special General Council Meeting, establishing a quorum. The General
17 Council voted to vacate the four (4) members of the then-Tribal Council and the then-
18 Chief of the General Council, who had been charged with violations under Article X of
19 the Governing Document. The General Council voted to fill the vacated positions by
20 appointment. Also during that meeting, the General Council approved Resolution
21 05212011-#4, which authorized the BIA to recognize the actions of the General Council
22 in vacating the Tribal positions.

23 27. The charges, brought by Plaintiff and other members of the Tribe pursuant to the
24 Governing Document, including Article X—VACANCIES, Section 1. Vacancy on
25 Council, were as follows: 1) as to defendant Chairman Feliz Jr.: illegal credit use; 2) as
26 to defendant Tribal Secretary Gonzalez nee Lowe: absent from regular general council
27 meetings three (3) unexcused times; 3) as to defendants Vice-Chairman Naredo,
28 Historian Feliz Sr., Treasurer Jaynes, Council Member-at-Large Hunter, and Chief of

1 the General Council Campbell Sr.: violations of the Bylaws, customs and traditions of
2 the Tribe for moral turpitude, and committing acts which reflect the dignity and
3 integrity of the tribal government, stemming from a disregard of official actions by the
4 General Council taken to remove the Tribal Secretary and the Chairman.

5 28. Subsequent to the May 21, 2011 meeting, the vacated Chief made the declaration
6 that in accordance with the notice of April 22, 2011, in which the Tribal Council
7 notified Plaintiff and several other members of the Tribe that they were suspended
8 from receiving any benefits from the Tribe due to their alleged "questionable
9 eligibility" for membership in the Tribe, the allegedly questionable members did not,
10 and had not, possessed the right to call a special meeting of the General Council, or
11 even the right to vote. Thus, any actions taken at the December 11, 2010 meeting were
12 allegedly invalid.

13 29. On May 22, 2011, Plaintiff sent a letter and supporting documentation to the BIA,
14 receiving a favorable decision from the BIA Superintendent, filed on June 24, 2011. The
15 Superintendent's June 24th decision was issued in response to the action that occurred
16 during the Special General Council held by the General Council on May 21, 2011. In the
17 June 24th decision, the Superintendent determined "the Bureau will recognize those
18 actions only if there is assurance that they were conducted in accordance with tribal
19 law," and concluded that "on May 21, 2011, the General Council, governing body of
20 the Band, complied with the [Tribal Governing Document], specifically, Article X,
21 Section 1." (See **Exhibit 1**; **Exhibit 2**, page 1-2.)

22 30. The Superintendent also concluded that "Nowhere does the governing
23 document indicate that the Tribal Chief has the authority to make such an
24 interpretation" that the "questionable members" did not have the right to call a special
25 meeting of the general council or the right to vote, and thus any actions taken at the
26 December 11, 2010 meeting were invalid. (See **Exhibit 1**, page 5.)
27
28

1 31. On May 27, 2011, a letter was sent to Tribal membership and administration,
2 restoring the status of the Lemieux Tribal lineage, and stating that all actions of the
3 Feliz Jr. Tribal Council were null and void.

4 32. On July 21, 2011, Defendants Feliz Jr., Naredo, Gonzalez nee Lowe, Jaynes,
5 Hunter, Feliz Sr., and Campbell filed a Notice of Appeal pursuant to 25 CFR § 2.9 in
6 their purported official capacities of the Tribe. (See **Exhibit 2**, page 1.)

7 33. On August 1, 2011, the Tribal Council denied applications for enrollment in the
8 Tribe from Plaintiff and another individual, due to alleged insufficient evidence that
9 they were eligible for Tribal membership. However, the purported disenrollments by
10 the Tribal Council did not occur until after the Tribal Council positions had been
11 vacated and replaced. Any purported determinations regarding the membership status
12 of Plaintiff and other Tribal members was not rendered until well after the Special
13 General Council meeting of May 21, 2011, where the positions of the Tribal Council
14 members who purported to disenroll Plaintiff and other Tribal members had been
15 vacated. The presence of 47 voting members of the General Council at the May 21, 2011
16 Special General Council meeting established a quorum consistent with Article V of the
17 Tribe's Governing Document, which required 20% of the total voting membership of
18 the Tribe for establishment of a quorum.

19 34. On November 15, 2011, the BIA Acting Regional Director made another decision
20 in Plaintiff's favor (**Exhibit 2**), stating in its ruling in Administrative Appeal 1236-P5,
21 "Here, the grounds for finding vacancies under Article X [of the Tribal Governing
22 Document] were satisfied" (**Exhibit 2**, page 5), and the General Council, as governing
23 body of the Tribe in the May 21, 2011 Special Meeting, had "properly exercised their
24 authority under Article X of the Governing Document." (**Exhibit 2**, page 8.) The BIA
25 further held, "We will recognize the government led by [Plaintiff] Correy Alcantra,
26 Vice-Chairman, Jamie Naredo, Secretary, and Keith Lemieux, Jr., Council Member-at-
27 Large for the next 90 days, for the limited purpose of carrying out government-to-
28

1 government relations and conducting a special election in accordance with Tribal
2 Law.” (**Exhibit 2**, page 8.)

3 35. However, tribal police with guns then began to threaten Plaintiff, asking him to
4 leave the reservation and even having him arrested for trespassing. Tribal police told
5 Plaintiff that he was disenrolled, was no longer a member of the Tribe, and was banned
6 from the reservation.

7 36. In direct contradiction to the above actions of the tribal police, a letter signed by
8 Feliz Jr. as Chairman of the Tribe, dated February 1, 2005, confirmed that Plaintiff was,
9 and rightfully is, an enrolled member of the Tribe. Plaintiff’s mother, born in 1933, was
10 on the October, 1940, census of tribal lands, and Plaintiff is her lineal descendant.
11 However, Plaintiff and other members of his family, including at least three nephews
12 and two nieces, are now being denied their heritage as members of the Tribe, and
13 rightful trust fund monies.

14 37. Plaintiff and other Tribal members were unlawfully disenrolled from the Tribe
15 for charging the then-Tribal Chairman, Feliz Jr., with illegally using Tribal credit cards
16 for his personal expenses. Members of the Tribal Council attempted to conceal Feliz
17 Jr.’s actions, so the General Council vacated them in the Special General Council
18 meeting on May 21, 2011. The BIA, in two rulings—the June 24, 2011 decision and the
19 November 15, 2011 decision—affirmed the actions of the General Council at the
20 December 11, 2010 and May 21, 2011 meetings. Plaintiff was lawfully appointed
21 Chairman, and his appointment and the Tribal Council appointments were upheld in
22 the BIA rulings.

23 38. Defendants’ actions and elections following the lawful December 11, 2010 and
24 May 21, 2011 General Council meetings were illegal, because Defendants did not give
25 proper notice of the General Council meetings and elections to Plaintiff and other
26 Tribal members, and would not let them vote. Defendants’ actions and elections
27 following the lawful December 11, 2010 and May 21, 2011 General Council meetings
28

1 were also illegal because Defendants' positions had already been vacated in accordance
 2 with the Governing Document of the Tribe.

3 39. In March of 2017, Plaintiff was again arrested by tribal police for allegedly
 4 trespassing on the reservation, which he is rightfully entitled to enter. His bail was
 5 \$10,000.00; after another arrest in October of 2017, Plaintiff's bail was \$5,000.00. On
 6 neither occasion did Defendants bother to show up in court in support of their claims.

7 40. On October 3, 2017, Tribal Council members, including Chairman Correy
 8 Alcantra, Plaintiff; Vice-Chair Gary Alcantra; Historian Cruz Martinez Jr.; Member at
 9 Large Sarah Alcantra; and Tribal Chief Ruth Alcantra, among others, determined that
 10 they would retain legal counsel to prove that they are the rightful and legal Tribal
 11 Council through the Court system, and certified their action in this regard.

12 41. On December 6, 2017, Plaintiff sent a notice to the Indian Dispute Resolution
 13 Service, Illegal Election Committee and Troy Burdick, BIA Superintendent, copying
 14 Amy Dutshcke, BIA Regional Director, and Congressman Jared Huffman. The notice,
 15 concerning repeated invalid Tribal elections, stated:

16 "Again I am informing all here that any election
 17 without the entire membership is invalid. My family line
 18 was never legally disenrolled. So all elections are illegal. We
 19 would go to meetings if the tribal police would stop
 20 arresting or threatening to arrest us. Troy Burdick, BIA
 superintendent, is fully aware of the ongoing situation. Just
 as everyone else.

21 "IDRS will be held accountable for taking money
 22 illegally from the tribe. Just as the illegal election committee
 23 will be held accountable.

24 "This as the other tribal elections are being disputed
 25 by my entire family line. I was properly elected as tribal
 26 chairman and am representing all that were illegally
 27 attempted to be disenrolled. We don't need 180 letters being
 28 sent. Everyone knows what the problems are.

1 “For the record in a 2015 letter Amy Dutshcke,
2 regional director, says my family line didn’t submit our
3 enrollment document. Yes we all did. All stamped and legal.
4 Meaning when we do take our seats all will answer for their
5 illegal conduct.”

6 **EXHAUSTION OF TRIBAL REMEDIES**

7 42. Plaintiff believes that he has exhausted all existing tribal remedies, and knows of
8 no available tribal courts or judicial system in which to further seek relief. The Tribe
9 has no formal courts or other justice structure known to Plaintiff with which to further
10 redress grievances.

11 43. Plaintiff alleges that the Tribe’s assertion of tribal jurisdiction is conducted in bad
12 faith and would be futile because of the lack of an adequate opportunity to challenge
13 the court’s jurisdiction. In addition, an adherence to the exhaustion requirement would
14 serve no purpose other than to further delay Plaintiff’s right to petition for a redress of
15 grievances.

16 **COUNT ONE: DECLARATORY RELIEF**

17 **Plaintiff Against All Defendants**

18 44. Plaintiff hereby incorporates by reference paragraphs 1 through 43 of this
19 Complaint as though fully set forth herein.

20 45. An actual controversy has arisen and now exists between Plaintiff and
21 Defendants relative to their respective rights and duties, in that Plaintiff contends that
22 Defendants’ unlawful elections, meetings, and disenrollments were invalid and
23 unenforceable, both on their face and as construed by Defendants, in that Defendants’
24 elections after the December 11, 2010 and May 21, 2011 meetings were illegal, because
25 they did not give proper notice of the General Council meetings and elections to
26 Plaintiff and other Tribal members and would not let them vote, and Defendants’
27 positions had already been vacated in accordance with the provisions of the Tribe’s
28 Governing Document. Plaintiff and other Tribal members assert that they were

1 illegally disenrolled from the Tribe, in violation of the Articles of the Tribe's Governing
 2 Document. Defendants dispute these contentions and contend that their actions were,
 3 and are, valid.

4 46. Plaintiff desires a declaration as to the validity of Defendants' actions as
 5 heretofore described, both on their face and as applied to Plaintiff's activities, and if
 6 Defendants' actions are found to be valid, whether Plaintiff's above-described activities
 7 are violative of the Articles of the Tribe's Governing Document. A judicial declaration
 8 is necessary and appropriate at this time so that Plaintiff may ascertain his rights and
 9 duties without first subjecting himself to liability by violating the provisions of the
 10 Tribe's Governing Document. Irreparable injury will result to Plaintiff unless the
 11 declaration is made, because Plaintiff was (and rightfully is) a lawfully enrolled
 12 member of the Tribe. Plaintiff and other members of his family, including at least three
 13 nephews and two nieces, are being denied their rightful heritage as members of the
 14 Tribe, including, but not limited to, their trust fund monies and benefits as members of
 15 the Tribe.

16
 17 **COUNT TWO: IMPOSITION OF CONSTRUCTIVE TRUST**
 18 **Plaintiff Against All Defendants**

19 47. Plaintiff hereby incorporates by reference paragraphs 1 through 46 of this
 20 Complaint as though fully set forth herein.

21 48. Since on or about December 11, 2010 and May 21, 2011, in Mendocino County,
 22 California, Defendants have become unjustly enriched to the detriment of Plaintiff for
 23 money in a sum according to proof, received from Plaintiff's interests and diverted or
 24 directed to Defendants' use. On April 22, 2011, the Tribal Council issued notices to
 25 Plaintiff and several members of the Tribe, stating that they were suspended from
 26 receiving any benefits from the Tribe due to their alleged "questionable eligibility" for
 27 membership. The notices were sent only to those Tribal members that were of the
 28 Lemieux family lineage. Vacated chairman and defendant Feliz Jr. signed the notices,

1 which were intended to repudiate the Tribal heritage of Plaintiff and his family and
2 deny them the significant financial benefits of Tribal membership, including valuable
3 educational benefits held in trust for children and benefits as members of the Tribe.

4 49. No payment has been made by Defendants to Plaintiff, although demand has
5 been made, and there is now due and owing a sum according to proof, together with
6 interest at the legal rate from the date of each act of unjust enrichment.

7 50. By virtue of their fraudulent acts, Defendants hold the real and personal
8 property described above as a constructive trustee for Plaintiff's benefit.

9 51. As a proximate result of Defendants' wrongful conduct, Plaintiff has been
10 damaged in an unknown amount, according to proof.

11
12 **COUNT THREE: CONVERSION**
13 **Plaintiff Against All Defendants**

14 52. Plaintiff hereby incorporates by reference paragraphs 1 through 51 of this
15 Complaint, as to COYOTE VALLEY BAND OF POMO INDIANS; COYOTE VALLEY
16 BAND OF POMO INDIANS TRIBAL COUNCIL; JOHN FELIZ JR., individually and
17 as a former Chairman of the Tribal Council; PATRICK NAREDO, individually and as
18 Vice-Chairman of the Tribal Council; JOHN FELIZ SR., individually and as a former
19 Historian of the Tribal Council; CANDACE GONZALEZ (nee LOWE), individually
20 and as Secretary of the Tribal Council; KELLI JAYNES, individually and as Treasurer
21 of the Tribal Council; and MELINDA HUNTER, individually and as Council Member
22 at Large, as though fully set forth herein.

23 53. Defendants have taken property from Plaintiff as heretofore described, including
24 Plaintiff's valuable trust fund monies and benefits as a member of the Tribe, and
25 converted it to their own use.

26 54. Plaintiff has repeatedly demanded the return of the property, but Defendants
27 have failed and refused to return it to Plaintiff.
28

1 55. As a proximate result of Defendants' wrongful conduct, Plaintiff has been
2 damaged in an unknown amount, according to proof.

3
4 **COUNT FOUR: BREACH OF FIDUCIARY DUTY**
5 **Plaintiff Against All Defendants**

6 56. Plaintiffs hereby incorporate by reference paragraphs 1 through 55 of this
7 Complaint, as to COYOTE VALLEY BAND OF POMO INDIANS; COYOTE VALLEY
8 BAND OF POMO INDIANS TRIBAL COUNCIL; JOHN FELIZ JR., individually and
9 as a former Chairman of the Tribal Council; PATRICK NAREDO, individually and as
10 Vice-Chairman of the Tribal Council; JOHN FELIZ SR., individually and as a former
11 Historian of the Tribal Council; CANDACE GONZALEZ (nee LOWE), individually
12 and as Secretary of the Tribal Council; KELLI JAYNES, individually and as Treasurer
13 of the Tribal Council; and MELINDA HUNTER, individually and as Council Member
14 at Large, as though fully set forth herein.

15 57. Defendant COYOTE VALLEY BAND OF POMO INDIANS (the "Tribe") is, and
16 at all times herein mentioned was, an Indian tribe whose jurisdiction extends to all
17 lands within the boundaries of its 70-acre reservation, located in Redwood Valley,
18 California, as described in the deed recorded in Book 1230, Page 339, Official Records
19 of the County of Mendocino.

20 58. At all times herein mentioned, Defendants JOHN FELIZ JR., individually and as
21 a former Chairman of the Tribal Council; PATRICK NAREDO, individually and as
22 Vice-Chairman of the Tribal Council; JOHN FELIZ SR., individually and as a former
23 Historian of the Tribal Council; CANDACE GONZALEZ (nee LOWE), individually
24 and as Secretary of the Tribal Council; KELLI JAYNES, individually and as Treasurer of
25 the Tribal Council; and MELINDA HUNTER, individually and as Council Member at
26 Large, were officers of the Tribal Council or the General Council of the Tribe, and
27 members of the Tribe.
28

59. In acting as hereinabove described, Defendants did not exercise the care required of members and/or officers of the Tribe because of their grossly unjust, arbitrary, and capricious refusal to honor the Articles and provisions of the Governing Document of the Tribe. On April 22, 2011, the Tribal Council issued notices to Plaintiff and several members of the Tribe, stating that they were suspended from receiving any benefits from the Tribe due to their alleged “questionable eligibility” for membership. The notices were sent only to those Tribal members that were of the Lemieux family lineage. Vacated chairman and defendant Feliz Jr. signed the notices, which were intended to repudiate the Tribal heritage of Plaintiff and his family and deny them the significant financial benefits of Tribal membership, including, but not limited to, valuable educational benefits held in trust for children.

60. As a proximate result of the acts of Defendants as hereinabove described, which were performed with malice, oppression, reckless indifference, and a willful and conscious disregard for the rights of Plaintiff, placing Defendants’ actions outside of the scope of their duties as members and/or officers of the Tribal Council or General Council, Plaintiff suffered severe emotional distress and mental suffering, all to his damage, including, but not limited to: serious injury and damages, loss of use of property, general damage, property damage, great mental and nervous pain and suffering, emotional distress, relocation costs, and denial of his heritage and rightful trust fund monies and other benefits as a member of the Tribe. Plaintiff is informed and believes and thereon alleges that he has been damaged according to proof. The acts of Defendants justify the awarding of exemplary and punitive damages.

COUNT FIVE: VIOLATION OF THE INDIAN CIVIL RIGHTS ACT

(25 U.S.C. §§ 1301-1304)

Plaintiff Against All Defendants

61. Plaintiff hereby incorporates by reference paragraphs 1 through 60 of this Complaint, as to COYOTE VALLEY BAND OF POMO INDIANS; COYOTE VALLEY

BAND OF POMO INDIANS TRIBAL COUNCIL; JOHN FELIZ JR., individually and as a former Chairman of the Tribal Council; PATRICK NAREDO, individually and as Vice-Chairman of the Tribal Council; JOHN FELIZ SR., individually and as a former Historian of the Tribal Council; CANDACE GONZALEZ (nee LOWE), individually and as Secretary of the Tribal Council; KELLI JAYNES, individually and as Treasurer of the Tribal Council; and MELINDA HUNTER, individually and as Council Member at Large, as though fully set forth herein.

62. Count Five of this Complaint is brought under the Indian Civil Rights Act, or ICRA, 25 U.S.C. §§ 1301-1304, which provides in relevant part:

“§ 1302. Constitutional Rights: No Indian tribe in exercising powers of self-government shall:

(a) In general

“No Indian tribe in exercising powers of self-government shall—

1. make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances....

8. deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law...”

63. Count Five is brought under ICRA for the intentional violation of Plaintiff’s right to petition for a redress of grievances and exercise of civil rights as guaranteed by the Tribe’s Governing Document and the provisions of ICRA; for equal protection under the Tribe’s laws; and to remedy a deprivation of liberty and property without due process of law.

64. The Tribe’s Governing Document, in Article X—VACANCIES, Section 1. Vacancy on Council, states:

“If any member of the tribal council or any elected officer of the Band during the term of this office, shall die, resign or be absent from regular Tribal or General Council meetings two (2) successive unexcused times, or three (3) unexcused times in any twelve (12) month period, the Tribal Council shall declare the position vacant. If a member of the Tribal Council or any elected officer of the Band, during the term of his office, is convicted of any felony or found guilty of any crime involving moral turpitude, or commits any act which will reflect on the dignity and integrity of the tribal government, the Tribal or General Council may declare the position vacant by a majority vote. If less than twelve (12) months of the term remains, the Tribal Council shall fill the vacancy by appointment of a tribal member who qualifies for candidacy to the vacant position. If more than twelve (12) months remain in the unexpired term, a special election shall be called to fill the vacant position.”

65. On December 11, 2010, at the annual General Council meeting, Plaintiff brought forth charges against defendant Feliz Jr. for illegal credit card use, and against Tribal Secretary Gonzalez nee Lowe on grounds she was absent from regular General Council meetings three (3) unexcused times in a twelve month period (March 2010, June 2010, and September 2010). Pursuant to Article X of the Governing Document, Plaintiff made a motion to declare their positions vacant.

66. Plaintiff had provided proper notice dated November 19, 2010, to the Tribal membership of his intent to amend the General Council meeting agenda to include charges against Feliz Jr. and Gonzalez nee Lowe, and had sent Feliz Jr. and Gonzalez nee Lowe notice by certified mail of the charges against them and the meeting notice.

67. At the December 11, 2010, meeting, the General Council voted on Plaintiff's motions to vacate the positions of Feliz Jr. and Gonzalez nee Lowe, and Plaintiff's motions passed. The Chief indicated that the motions were out of order and non-binding, and that Tribal Council members could only be removed by a vote of the entire membership at an election called for that purpose.

1 68. The General Council issued a Notice of Special General Council Meeting to be
2 held on May 21, 2011, charging four (4) members of the then-Tribal Council, and also
3 the then-Chief of the General Council, of violations under Article X of the Governing
4 Document, by taking actions that reflect on the dignity and integrity of the tribal
5 government. Specifically, they were charged with refusing to comply with a legal and
6 binding motion to vacate the Chairman and Secretary Tribal Council positions as a
7 result of the motions which were passed at the December 11, 2010 annual General
8 Council meeting. The Tribal Council members and Chief were given proper notice and
9 the right to call witnesses on their behalf, to be represented by legal counsel, to cross
10 examine witnesses, present documentary evidence, and address the General Council.
11 However, the Tribal Council members and Chief chose to argue that they were not
12 required to answer such charges instead of attending the Special General Council
13 Meeting.

14 69. On April 22, 2011, the Tribal Council issued notices to Plaintiff and several
15 members of the Tribe, stating that they were suspended from receiving any benefits
16 from the Tribe due to their alleged "questionable eligibility" for membership. The
17 notices were sent only to those Tribal members that were of the Lemieux family
18 lineage. Vacated chairman and defendant Feliz Jr. signed the notices, which were
19 intended to repudiate the Tribal heritage of Plaintiff and his family and deny them the
20 significant financial benefits of Tribal membership, including valuable educational
21 benefits held in trust for children.

22 70. On May 21, 2011, forty-seven (47) voting members of the General Council were
23 present at the Special General Council Meeting, establishing a quorum. The General
24 Council voted to vacate the four (4) members of the then-Tribal Council and the then-
25 Chief of the General Council, who had been charged with violations under Article X of
26 the Governing Document. The General Council voted to fill the vacated positions by
27 appointment. Also during that meeting, the General Council approved Resolution
28

1 05212011-#4, which authorized the BIA to recognize the actions of the General Council
2 in vacating the Tribal positions.

3 71. The charges, brought by Plaintiff and other members of the Tribe pursuant to the
4 Governing Document, including Article X—VACANCIES, Section 1. Vacancy on
5 Council, were as follows: 1) as to defendant Chairman Feliz Jr.: illegal credit use; 2) as
6 to defendant Tribal Secretary Gonzalez nee Lowe: absent from regular general council
7 meetings three (3) unexcused times; 3) as to defendants Vice-Chairman Naredo,
8 Historian Feliz Sr., Treasurer Jaynes, Council Member-at-Large Hunter, and Chief of
9 the General Council Campbell Sr.: violations of the Bylaws, customs and traditions of
10 the Tribe for moral turpitude, and committing acts which reflect the dignity and
11 integrity of the tribal government, stemming from a disregard of official actions by the
12 General Council taken to remove the Tribal Secretary and the Chairman.

13 72. Subsequent to the May 21, 2011 meeting, the vacated Chief made the declaration
14 that in accordance with the notice of April 22, 2011, in which the Tribal Council
15 notified Plaintiff and several other members of the Tribe that they were suspended
16 from receiving any benefits from the Tribe due to their alleged “questionable
17 eligibility” for membership in the Tribe, Plaintiff and the other allegedly
18 “questionable” members did not, and had not, possessed the right to call a special
19 meeting of the General Council, or even the right to vote. Thus, Defendants claimed
20 that any actions taken at the December 11, 2010 meeting were allegedly invalid.

21 73. On May 22, 2011, Plaintiff sent a letter and supporting documentation to the BIA,
22 receiving a favorable decision from the BIA Superintendent, filed on June 24, 2011. The
23 Superintendent’s June 24th decision was issued in response to the action that occurred
24 during the Special General Council held by the General Council on May 21, 2011. In the
25 June 24th decision, the Superintendent determined “the Bureau will recognize those
26 actions only if there is assurance that they were conducted in accordance with tribal
27 law,” and concluded that “on May 21, 2011, the General Council, governing body of
28

1 the Band, complied with the [Tribal Governing Document], specifically, Article X,
2 Section 1.” (See **Exhibit 1; Exhibit 2**, page 1-2.)

3 74. The Superintendent also concluded that “Nowhere does the governing
4 document indicate that the Tribal Chief has the authority to make such an
5 interpretation” that the “questionable members” did not have the right to call a special
6 meeting of the general council or the right to vote, and thus any actions taken at the
7 December 11, 2010 meeting were invalid. (See **Exhibit 1**, page 5.)

8 75. On May 27, 2011, a letter was sent to Tribal membership and administration,
9 restoring the status of the Lemieux Tribal lineage, and stating that all actions of the
10 Feliz Jr. Tribal Council were null and void.

11 76. On July 21, 2011, Defendants Feliz Jr., Naredo, Gonzalez nee Lowe, Jaynes,
12 Hunter, Feliz Sr., and Campbell filed a Notice of Appeal pursuant to 25 CFR § 2.9 in
13 their purported official capacities of the Tribe. (See **Exhibit 2**, page 1.)

14 77. On August 1, 2011, the Tribal Council denied applications for enrollment in the
15 Tribe from Plaintiff and another individual, due to alleged insufficient evidence that
16 they were eligible for Tribal membership. However, the purported disenrollments by
17 the Tribal Council did not occur until after the Tribal Council positions had been
18 vacated and replaced. Any purported determinations regarding the membership status
19 of Plaintiff and other Tribal members was not rendered until well after the Special
20 General Council meeting of May 21, 2011, where the positions of the Tribal Council
21 members who purported to disenroll Plaintiff and other Tribal members had been
22 vacated. The presence of 47 voting members of the General Council at the May 21, 2011
23 Special General Council meeting established a quorum consistent with Article V of the
24 Tribe’s Governing Document, which required 20% of the total voting membership of
25 the Tribe for establishment of a quorum.

26 78. On November 15, 2011, the BIA Acting Regional Director made another decision
27 in Plaintiff’s favor (**Exhibit 2**), stating in its ruling in Administrative Appeal 1236-P5,
28 “Here, the grounds for finding vacancies under Article X [of the Tribal Governing

Document] were satisfied” (**Exhibit 2**, page 5), and the General Council, as governing body of the Tribe in the May 21, 2011 Special Meeting, had “properly exercised their authority under Article X of the Governing Document.” (**Exhibit 2**, page 8.) The BIA further held, “We will recognize the government led by [Plaintiff] Correy Alcantra, Vice-Chairman, Jamie Naredo, Secretary, and Keith Lemieux, Jr., Council Member-at-Large for the next 90 days, for the limited purpose of carrying out government-to-government relations and conducting a special election in accordance with Tribal Law.” (**Exhibit 2**, page 8.)

79. However, tribal police with guns then began to threaten Plaintiff, asking him to leave the reservation and even having him arrested for trespassing. Tribal police told Plaintiff that he was disenrolled, was no longer a member of the Tribe, and was banned from the reservation.

80. In direct contradiction to the above actions of the tribal police, a letter signed by Feliz Jr. as Chairman of the Tribe, dated February 1, 2005, confirmed that Plaintiff was, and rightfully is, an enrolled member of the Tribe. Plaintiff’s mother, born in 1933, was on the October, 1940, census of tribal lands, and Plaintiff is her lineal descendant. However, Plaintiff and other members of his family, including at least three nephews and two nieces, are now being denied their heritage as members of the Tribe, and rightful trust fund monies.

81. Plaintiff and other Tribal members were unlawfully disenrolled from the Tribe for charging the then-Tribal Chairman, Feliz Jr., with illegally using Tribal credit cards for his personal expenses. Members of the Tribal Council attempted to conceal Feliz Jr.’s actions, so the General Council vacated them in the Special General Council meeting on May 21, 2011. The BIA, in two rulings—the June 24, 2011 decision and the November 15, 2011 decision—affirmed the actions of the General Council at the December 11, 2010 and May 21, 2011 meetings. Plaintiff was lawfully appointed Chairman, and his appointment and the Tribal Council appointments were upheld in the BIA rulings.

82. Defendants' actions and elections following the lawful December 11, 2010 and May 21, 2011 General Council meetings were illegal, because Defendants did not give proper notice of the General Council meetings and elections to Plaintiff and other Tribal members, and would not let them vote. Defendants' actions and elections following the lawful December 11, 2010 and May 21, 2011 General Council meetings were also illegal because Defendants' positions had already been vacated in accordance with the Governing Document of the Tribe.

83. In March of 2017, Plaintiff was again arrested by tribal police for allegedly trespassing on the reservation, which he is rightfully entitled to enter. His bail was \$10,000.00; after another arrest in October of 2017, Plaintiff's bail was \$5,000.00. On neither occasion did Defendants bother to show up in court in support of their claims.

84. On October 3, 2017, Tribal Council members, including Chairman Correy Alcantra, Plaintiff; Vice-Chair Gary Alcantra; Historian Cruz Martinez Jr.; Member at Large Sarah Alcantra; and Tribal Chief Ruth Alcantra, among others, determined that they would retain legal counsel to prove that they are the rightful and legal Tribal Council through the Court system, and certified their action in this regard.

85. On December 6, 2017, Plaintiff sent a notice to the Indian Dispute Resolution Service, Illegal Election Committee and Troy Burdick, BIA Superintendent, copying Amy Dutshcke, BIA Regional Director, and Congressman Jared Huffman. The notice, concerning repeated invalid Tribal elections, stated:

"Again I am informing all here that any election without the entire membership is invalid. My family line was never legally disenrolled. So all elections are illegal. We would go to meetings if the tribal police would stop arresting or threatening to arrest us. Troy Burdick, BIA superintendent, is fully aware of the ongoing situation. Just as everyone else.

"IDRS will be held accountable for taking money illegally from the tribe. Just as the illegal election committee will be held accountable.

1 “This as the other tribal elections are being disputed
2 by my entire family line. I was properly elected as tribal
3 chairman and am representing all that were illegally
4 attempted to be disenrolled. We don’t need 180 letters being
5 sent. Everyone knows what the problems are.

6 “For the record in a 2015 letter Amy Dutshcke,
7 regional director, says my family line didn’t submit our
8 enrollment document. Yes we all did. All stamped and legal.
9 Meaning when we do take our seats all will answer for their
10 illegal conduct.”

11 86. The wrongful acts of Defendants, and each of them, all alleged above,
12 intentionally violated Plaintiff’s right to redress of grievances and exercise of civil
13 rights as guaranteed by the Tribe’s Governing Document and the provisions of ICRA;
14 intentionally violated Plaintiff’s right to equal protection under the Tribe’s laws; and
15 intentionally deprived Plaintiff and members of his family of liberty and property
16 without due process of law.

17 87. As a proximate result of the acts of Defendants, Plaintiff suffered severe
18 emotional distress and mental suffering, all to his damage, including, but not limited
19 to: serious injury and damages, general damage, great mental and nervous pain and
20 suffering, emotional distress, and denial of his rightful trust fund monies and heritage
21 as a member of the Tribe. Plaintiff is informed and believes and thereon alleges that he
22 has been damaged according to proof.

23 88. As a proximate result of the wrongful acts of Defendants, Plaintiff is in addition
24 entitled to recover a statutory civil penalty in the amount of \$25,000.00, as provided in
25 Civil Code § 52(b).

26 89. The above-recited actions of Defendants were performed with malice,
27 oppression, reckless indifference, and a willful, reckless, and conscious disregard for
28 the rights of Plaintiff and his family. The above-recited acts of Defendants placed their
 actions outside of the scope of their duties as members and/or officers of the Tribal
 Council or General Council. Specifically, the actions of Defendants described in Count

1 Five of this Complaint justify the awarding of exemplary and punitive damages,
2 pursuant to Civil Code § 3294.

3 90. Defendants' wrongful conduct, unless and until enjoined and restrained by
4 order of this Court, will cause great and irreparable to Plaintiff in that Defendants,
5 and each of them, all alleged above, intentionally violated Plaintiff's right to redress of
6 grievances and exercise of civil rights as guaranteed by the Tribe's Governing
7 Document and the provisions of ICRA; intentionally violated Plaintiff's right to equal
8 protection of the Tribe's laws; and intentionally deprived Plaintiff and members of his
9 family of liberty and property without due process of law. Defendants' actions caused
10 Plaintiff to suffer severe emotional distress and mental suffering, all to his damage,
11 including, but not limited to: serious injury and damages, general damage, great
12 mental and nervous pain and suffering, emotional distress, and denial of his rightful
13 heritage and trust fund monies as a lawful member of the Tribe.

14 91. Plaintiff has no adequate remedy at law for the injuries currently being suffered,
15 in that he has exhausted he has exhausted all existing tribal remedies, and knows of no
16 available tribal courts or judicial system in which to further seek relief. The Tribe has
17 no formal courts or other justice structure known to Plaintiff with which to further
18 redress grievances. Plaintiff alleges that the Tribe's assertion of tribal jurisdiction is
19 conducted in bad faith and would be futile because of the lack of an adequate
20 opportunity to challenge the tribal jurisdiction. In addition, an adherence to the
21 exhaustion requirement would serve no purpose other than to further delay Plaintiff's
22 right to petition for a redress of grievances. Therefore, Plaintiff will be forced to
23 institute a multiplicity of suits to protect himself against the ongoing interference with
24 his legal rights.

25 92. Plaintiff has incurred attorney fees in an amount according to proof for the
26 retention of counsel to advise him of his rights and prepare this Complaint. Plaintiff
27 expects to incur additional attorney's fees in an amount according to proof by the
28 conclusion of this action for preparation and conduct of trial.

COUNT FIVE: CONSPIRACY

Plaintiff Against All Defendants

93. Plaintiff hereby incorporates by reference paragraphs 1 through 92 of Complaint as to all Defendants as though fully set forth herein.

94. Plaintiff alleges that Defendants had a duty to uphold the Articles and provisions of the Tribe's Governing Document; the lawful decisions and actions of the General Council in the December 11, 2010 and May 21, 2011 meetings; the decision of the BIA Superintendent dated June 24, 2011; the decision of the BIA Acting Regional Director dated November 15, 2011; and the right of Plaintiff and his family to their Tribal heritage and rightful trust fund monies.

95. Defendants conspired to deceive Plaintiff and his family, and to deprive them of their heritage and rightful trust fund monies as enrolled members of the Tribe; and to deprive Plaintiff of his lawful appointment as Chairman of the Tribal Council, pursuant to the actions and appointments of the General Council in the meetings on December 11, 2010 and May 21, 2011. Tribal police with guns threatened Plaintiff and asked him to leave the reservation, even having him repeatedly arrested for trespassing, and banning Plaintiff and his family from the reservation. However, a letter dated February 1, 2005, signed by Feliz Jr. as Chairman of the Tribe, confirmed that Plaintiff was (and rightfully is) an enrolled member of the Tribe. Plaintiff and other members of his family, including at least three nephews and two nieces, are being denied their rightful trust fund educational and other monies. Plaintiff and other Tribal members were illegally disenrolled from the Tribe for charging the then-Tribal Chairman, Feliz Jr., with illegally using Tribal credit cards for his personal expenses. Members of the Tribal Council attempted to conceal Feliz Jr.'s actions, so the General Council vacated them in the Special General Council meeting on May 21, 2011. The BIA, in two rulings—the June 24, 2011 decision and the November 15, 2011 decision—affirmed the actions of the General Council at the December 11, 2010 and May 21, 2011 meetings. Plaintiff was lawfully appointed Chairman, and his appointment and the

1 Tribal Council appointments were upheld in the BIA rulings. Defendants' elections
2 after the December 11, 2010 and May 21, 2011 meetings were illegal, because they did
3 not give proper notice of the General Council meetings and elections to Plaintiff and
4 other Tribal members, and would not let them vote.

5 96. Defendants, and each of them, committed the above-described acts pursuant to
6 an agreement by and between Defendants to defraud Plaintiff, and to induce Plaintiff
7 to forego seeking redress for the wrongs committed; to intentionally violate Plaintiff's
8 right to redress of grievances and exercise of civil rights as guaranteed by the Tribe's
9 Governing Document and the provisions of ICRA; to intentionally violate Plaintiff's
10 right to equal protection of the Tribe's laws; to intentionally deprive Plaintiff and
11 members of his family of liberty and property without due process of law; to
12 intentionally make and enforced laws abridging the freedom of speech and the right
13 of the people to peaceably to assemble and to petition for a redress of grievances; and
14 to cause Plaintiff to suffer severe emotional distress and mental suffering, all to his
15 damage, including, but not limited to: serious injury and damages, general damage,
16 great mental and nervous pain and suffering, emotional distress, and denial of his
17 rightful heritage and trust fund monies as a member of the Tribe.

18 97. As a direct and proximate result of Defendants' agreement and conspiracy to
19 commit the fraudulent and unlawful acts described herein, Plaintiff has suffered
20 compensable damages according to proof.

21 98. Additionally, Defendants engaged in this conspiracy to defraud with malice and
22 oppression, and Plaintiff is therefore entitled to an award of punitive damages.
23 Further, Plaintiff will suffer an irreparable injury not compensable in damages if the
24 ultimate object of Defendants' conspiracy – a denial of Plaintiff and his family's rightful
25 heritage and trust fund monies as members of the Tribe – takes place.

26 //

27 //

28 //

1 **WHEREFORE**, Plaintiff prays judgment against Defendants as follows:

2 **COUNT ONE: DECLARATORY RELIEF**
3 **Plaintiff Against All Defendants**

4
5 1. That the Court declare the respective rights and duties of Plaintiff and
6 Defendants under the Governing Document of the Tribe, and that by its declaration
7 and judgment the Court declare that Defendants' unlawful elections, meetings, and
8 disenrollments were invalid and unenforceable, both on their face and as construed by
9 Defendants, in that Defendants' elections after the December 11, 2010 and May 21, 2011
10 meetings were illegal, because they did not give proper notice of the General Council
11 meetings and elections to Plaintiff and other Tribal members and would not let them
12 vote, and Defendants' positions had already been vacated in accordance with the
13 provisions of the Tribe's Governing Document. Plaintiff and other Tribal members
14 assert that they were illegally disenrolled from the Tribe, in violation of the Articles of
15 the Tribe's Governing Document.

16 2. That the Court declare the respective rights and duties of Plaintiff and
17 Defendants under the Governing Document of the Tribe, and that the Court make a
18 declaration as to the validity of Defendants' actions as heretofore described, both on
19 their face and as applied to Plaintiff's activities, and as to whether Defendants' above-
20 described activities are violative of the Articles of the Tribe's Governing Document.

21 3. A judicial declaration is necessary and appropriate at this time so that Plaintiff
22 may ascertain his rights and duties without first subjecting himself to liability by
23 violating the provisions of the Tribe's Governing Document. Irreparable injury will
24 result to Plaintiff unless the declaration is made, because Plaintiff was (and rightfully
25 is) a lawfully enrolled member of the Tribe. Plaintiff and other members of his family,
26 including at least three nephews and two nieces, are being denied their rightful
27 heritage as members of the Tribe, including, but not limited to, their trust fund monies.
28

COUNT TWO: IMPOSITION OF CONSTRUCTIVE TRUST
Plaintiff Against All Defendants

4. For an order declaring that Defendants hold Plaintiff's interests in a constructive trust for Plaintiff's benefit;
5. For an order that Defendants be compelled to convey Plaintiff's interests in his rightful trust fund monies as a member of the Tribe to Plaintiff;
6. For an accounting of all property and/or monies held by Defendants that belong to and/or are owing to Plaintiff;

COUNT THREE: CONVERSION
Plaintiff Against All Defendants

7. For damages in the value of property converted;
8. For damages in the amount of the funds converted in an amount according to proof;
9. For interest at the legal rate on the foregoing sums pursuant to Section 3336 of the Civil Code, from and after April 22, 2011;
10. For damages for the proximate and foreseeable loss resulting from Defendants' conversion in an amount according to proof;
11. For interest at the legal rate on the foregoing sums pursuant to Section 3287(a) of the Civil Code, from and after April 22, 2011, according to proof;
12. For damages for time and money properly expended in pursuit of the converted property in a sum according to proof;
13. For punitive and exemplary damages;

COUNT FOUR: BREACH OF FIDUCIARY DUTY
Plaintiff Against All Defendants

14. For compensatory damages in a sum according to proof;
15. For consequential and other damages in a sum according to proof;

16. For interest at the legal rate on the foregoing sums from and after on or about April 22, 2011;

17. For punitive and exemplary damages;

18. For reasonable attorney's fees in a sum according to proof;

COUNT FIVE: VIOLATION OF THE INDIAN CIVIL RIGHTS ACT

(25 U.S.C. §§ 1301-1304)

Plaintiff Against All Defendants

19. For actual damages in an amount according to proof;

20. For a statutory civil penalty in the sum of \$25,000.00, pursuant to Civil Code § 52(b);

21. For exemplary and punitive damages;

22. For an order requiring Defendants, and each of them, to show cause why they should not be enjoined as hereinafter set forth, during the pendency of this action;

23. For a temporary restraining order, preliminary injunction, and permanent injunction, all enjoining Defendants, and each of them, and their agents, servants, and employees, and all persons acting under, in concert with, or for them:

a. From violating Plaintiff's right to redress of grievances and exercise of civil rights as guaranteed by the Tribe's Governing Document and the provisions of ICRA; violating Plaintiff's right of equal protection under the Tribe's laws; to depriving Plaintiff and members of his family of liberty and property without due process of law; making and enforcing laws abridging the freedom of speech and the right of the people, including Plaintiff and his family, to peaceably to assemble and to petition for a redress of grievances; and causing Plaintiff to suffer severe emotional distress and mental suffering, all to his damage, including, but not limited to: serious injury and damages, loss of use of property, general damage, property damage, great mental and nervous pain and suffering, emotional distress, relocation costs, and denial of his rightful heritage and trust fund monies as a member of the Tribe.

b. To recognize Plaintiff's right to redress of grievances and exercise of civil rights as guaranteed by the Tribe's Governing Document and the provisions of ICRA,

1 and right of equal protection under the Tribe's laws; to refrain from depriving
 2 Plaintiff and members of his family of liberty and property without due process of
 3 law; to refrain from making and enforcing laws abridging the freedom of speech and
 4 the right of the people, including Plaintiff and his family, to peaceably to assemble
 5 and to petition for a redress of grievances; to refrain from denying Plaintiff his rightful
 6 heritage and trust fund monies as a member of the Tribe.

7 c. To recognize that Defendants' actions and elections following the lawful
 8 December 11, 2010 and May 21, 2011 General Council meetings were illegal, because
 9 Defendants did not give proper notice of the General Council meetings and elections
 10 to Plaintiff and other Tribal members, and would not let them vote. Defendants'
 11 actions and elections following the lawful December 11, 2010 and May 21, 2011
 12 General Council meetings were also illegal because Defendants' positions had already
 13 been vacated in accordance with the Governing Document of the Tribe. Therefore, any
 14 election held after the December 11, 2010 and May 21, 2011 meetings, was, and is,
 15 invalid, especially when undertaken without permitting Tribal Council members to
 16 vote, including Chairman Correy Alcantra, Plaintiff; Vice-Chair Gary Alcantra;
 17 Historian Cruz Martinez Jr.; Member at Large Sarah Alcantra; Secretary Sharlyne
 18 Burke, Treasurer Lindsay Salazar, and Tribal Chief Ruth Alcantra, among others.

19 d. To recognize that on May 21, 2011, forty-seven (47) voting members of
 20 the General Council were present at the Special General Council Meeting, establishing
 21 a quorum. The General Council voted to vacate the four (4) members of the then-Tribal
 22 Council and the then-Chief of the General Council, who had been charged with
 23 violations under Article X of the Governing Document. The General Council voted to
 24 fill the vacated positions by appointment. On November 15, 2011, the BIA Acting
 25 Regional Director made a decision in Plaintiff's favor (**Exhibit 2**), stating in its ruling in
 26 Administrative Appeal 1236-P5, "Here, the grounds for finding vacancies under
 27 Article X [of the Tribal Governing Document] were satisfied" (**Exhibit 2**, page 5), and
 28 the General Council, as governing body of the Tribe in the May 21, 2011 Special

1 Meeting, had “properly exercised their authority under Article X of the Governing
2 Document.” (**Exhibit 2**, page 8.) The BIA further held that it would recognize the
3 government led by Plaintiff Correy Alcantra, Vice-Chairman, Jamie Naredo, Secretary,
4 and Keith Lemieux, Jr., Council Member-at-Large. (**Exhibit 2**, page 8.)

5 24. For attorney fees in an amount according to proof;
6

7 **COUNT SIX: CONSPIRACY**
8 **All Plaintiffs Against All Defendants**

9 25. For damages in a sum according to proof;

10 26. For interest on the above sums at the legal rate;

11 27. For exemplary damages;

12 28. For punitive damages in a sum sufficient to punish Defendants;
13

14 **ALL CAUSES OF ACTION**

15 29. For costs of suit herein incurred; and,

16 30. For such other and further relief as the Court may deem proper.
17

18 Dated: December 29, 2017

/S/ Richard Sax
RICHARD SAX
Attorney for Plaintiff,
Correy Alcantra, de facto
Tribal Chairman of the
Coyote Valley Band of
Pomo Indians

DEMAND FOR JURY TRIAL

Plaintiff CORREY ALCANTRA, de facto Tribal Chairman of the Coyote Valley Band of Pomo Indians, hereby demands a jury trial.

Dated: December 29, 2017

/S/ Richard Sax
RICHARD SAX
Attorney for Plaintiff,
Correy Alcantra, de facto
Tribal Chairman of the
Coyote Valley Band of
Pomo Indians

CERTIFICATION OF INTERESTED ENTITIES OR PERSONS

Pursuant to Civil L.R. 3-15, the undersigned certifies that as of this date, other than the named parties, there is no such interest to report.

Dated: December 29, 2017

/S/ Richard Sax
RICHARD SAX
Attorney for Plaintiff,
Correy Alcantra, de facto
Tribal Chairman of the
Coyote Valley Band of
Pomo Indians

